

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2022-564-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION  
7 OF THE JACKSON AVENUE RIGHT-OF-WAY, ESTABLISHED  
8 IN THE REVISED MAP OF MARIETTA, AS RECORDED IN  
9 PLAT BOOK 1, PAGES 33, 34 AND 34½ OF THE FORMER  
10 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN  
11 COUNCIL DISTRICT 10, AT THE REQUEST OF RICHMOND  
12 AMERICAN HOMES OF FLORIDA, LP, SUBJECT TO  
13 RESERVATION UNTO THE CITY OF JACKSONVILLE OF A  
14 DRAINAGE EASEMENT OVER THE SOUTHERLY 240 FEET OF  
15 THE CLOSURE AREA; PROVIDING FOR APPROVAL SUBJECT  
16 TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.  
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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Closure and Abandonment.** An unopened and  
20 unimproved portion of the Jackson Avenue right-of-way, established  
21 in the Revised Map of Marietta, as recorded in Plat Book 1, Pages 33,  
22 34 and 34½ of the former public records of Duval County, Florida,  
23 located in Council District 10, a depiction and description of which  
24 is attached hereto as **Exhibit 1** and incorporated herein by this  
25 reference, is hereby closed and abandoned and/or disclaimed as a  
26 right-of-way at the request of Richmond American Homes of Florida,  
27 LP (the "Applicant"); provided however, there is reserved unto the  
28 City of Jacksonville a drainage easement on, over, under, through and  
29 across the southerly 240 feet of the closure area. The Applicant  
30 paid the right-of-way closure application fee of \$2,091.00 and this  
31 amount has been deposited into the General Fund. This closure request

1 was reviewed and approved by the various city, state, and utility  
2 agencies that might have an interest in the right-of-way and there  
3 were no objections to the Applicant's request.

4       **Section 2. Purpose.** The Applicant owns property adjacent  
5 to the closure area at 0 City Limits Boulevard (R.E. No. 006077-0000)  
6 and is requesting the closure in order to connect Applicant's  
7 properties on either side of the closure area, subject to the  
8 conditions set forth herein. The property within this closure will  
9 be developed as part of the Marietta Estates residential subdivision.

10       **Section 3. Hold Harmless Covenant.** The closure and  
11 abandonment by the City of its interests in the right-of-way is  
12 subject to Applicant's execution and delivery to the City of a Hold  
13 Harmless Covenant, in substantially the same form attached hereto as  
14 **Exhibit 2** and incorporated herein by this reference. Accordingly,  
15 the closure and abandonment of the right-of-way shall not be recorded  
16 in the public records until execution and delivery to the City by the  
17 Applicant of the required Hold Harmless Covenant.

18       **Section 4. Effective Date.** This Ordinance shall become  
19 effective upon signature by the Mayor or upon becoming effective  
20 without the Mayor's signature.

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22 Form Approved:

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25 Office of General Counsel

26 Legislation prepared by: Mary E. Staffopoulos

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